

1 MICHAEL R. SIMMONDS (SBN 96238)  
msimmonds@snllp.com  
2 R. TRAVIS CAMPBELL (SBN 271580)  
tcampbell@snllp.com  
3 SIMMONDS & NARITA LLP  
44 Montgomery Street, Suite 3010  
4 San Francisco, CA 94104-4816  
Telephone: (415) 283-1000  
5 Facsimile: (415) 352-2625

6 Attorneys for Defendant  
Cavalry SPV I, LLC  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10  
11 WILLIAM GUNKEL and all others  
similarly situated,

12  
13 Plaintiff,

14 vs.

15  
16 CAVALRY SPV I, LLC, CREDITOR  
IUSTUS ET REMEDIUM, LLC, aka  
17 CIR LAW FIRM, and DOES 1-5,

18 Defendants.  
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CASE NO.:

**NOTICE OF REMOVAL**

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that defendant Cavalry SPV I, LLC (“Cavalry”),  
3 hereby removes to this Court the state court action described below.

4 1. On May 4, 2015, the original complaint was filed against Cavalry and  
5 defendant Creditor Iustus Et Remedium, LLC aka CIR Law Firm (“CIR”)  
6 (collectively, “Defendants”) by plaintiff William Gunkel (“Plaintiff”), in an action  
7 pending in Superior Court of the State of California in and for the County of San  
8 Mateo, entitled *Gunkel v. Cavalry SPV I, LLC, et al.*, Case No. CIV 533643. Cavalry  
9 was not served with the original complaint. On May 26, 2015, the first amended  
10 complaint (“FAC”) was filed against Defendants in the above titled action. To date,  
11 Cavalry has not been served with the FAC.<sup>1</sup> A copy of the FAC, original summons,  
12 original complaint and all other documents that Cavalry has received from Plaintiff in  
13 this action are attached hereto as **Exhibit A**.

14 2. This removal petition is timely under 28 U.S.C. § 1446(b) because  
15 Cavalry has not been served with original complaint or FAC and therefore the time to  
16 remove has not yet begun.

17 3. Defendant CIR has consented to this removal. A copy of CIR’s consent  
18 to removal is attached hereto as **Exhibit B**.

### 19 JURISDICTION

20 4. This action is a civil action of which this Court has original jurisdiction  
21 under 28 U.S.C. § 1331 and that may be removed to this Court by Defendants  
22 pursuant to the provisions of 28 U.S.C. § 1441(b), because the FAC alleges  
23 Defendants violated federal law, namely, sections 1692e(2)(A), 1692e(10) and 1692f  
24 of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (the “FDCPA”).  
25 Exhibit A, ¶ 33.

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28 <sup>1</sup> Instead, Plaintiff’s counsel emailed the FAC to Cavalry’s counsel on May 26, 2015. Cavalry has not agreed to accept service by email.

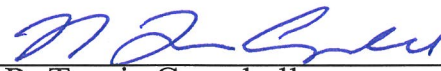
1           5.       Although the FAC purports to assert only state law causes of action, the  
2 FAC is founded upon, arises under and raises substantial issues of federal law (*i.e.*,  
3 the FDCPA), thereby rendering this action removable to this Court. The Supreme  
4 Court has “recognized for nearly 100 years that in certain cases federal-question  
5 jurisdiction will lie over state-law claims that implicate significant federal issues.  
6 [Citation]. The doctrine captures the commonsense notion that a federal court ought  
7 to be able to hear claims recognized under state law that nonetheless turn on  
8 substantial questions of federal law, and thus justify resort to the experience,  
9 solicitude, and hope of uniformity that a federal forum offers on federal issues  
10 (citations).” *Grable & Sons Metal Products, Inc. v. Darue Engineering &*  
11 *Manufacturing*, 545 U.S. 308, 312 (2005); *see also Gunn v. Minton*, 133 S.Ct. 1059,  
12 1065 (2013). “[F]ederal jurisdiction over a state law claim will lie if a federal issue  
13 is: (1) necessarily raised, (2) actually disputed, (3) substantial, and (4) capable of  
14 resolution in federal court without disrupting the federal-state balance approved by  
15 Congress.” *Gunn*, 133 S.Ct. at 1065. The FAC satisfies all of the *Gunn* elements.

16           6.       The FAC was filed in the Superior Court of the State of California,  
17 County of San Mateo. Venue in the San Francisco or Oakland divisions of this  
18 District Court is proper. *See* 28 U.S.C. § 1441(a) (providing for removal “to the  
19 district court of the United States for the district and division embracing the place”  
20 where the state court action is pending); 28 U.S.C. § 84(b) (The Northern District  
21 comprises the counties of, *inter alia*, San Mateo); N.D. Civ. L.R. 3-2(d) (“ . . . all civil  
22 actions which arise in the counties of . . . San Mateo . . . shall be assigned to the San  
23 Francisco Division or the Oakland Division.”).

24           7.       Cavalry is represented by the undersigned.  
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1 DATED: June 10, 2015

SIMMONDS & NARITA LLP  
MICHAEL R. SIMMONDS  
R. TRAVIS CAMPBELL

2  
3 By:   
4 R. Travis Campbell  
5 Attorneys for Defendant  
6 Cavalry SPV I, LLC  
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